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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.

Supreme Court of Appeals.

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

DICKENS et al. v. RADFORD-WILLIS SOUTHERN RY. CO.

Sept. 20, 1917.

[93 S. E. 625.]

1. Statutes (§ 117 (1)*)—Subjects and Titles of Acts—Validity.—Code 1904, § 1103a, entitled "Procedure by which unpaid subscriptions to joint-stock companies may be recovered by said companies, their creditors, receivers, trustees, assignees, or any other person," is not defective in title in that it deprives courts of equity of jurisdiction to determine the validity of subscriptions to stock without mentioning such purpose in the title.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 752.]

2. Corporations (§ 259 (1)*)—Subscriptions to Stock—Enforcing Payment.—Code 1904, § 1103a, as to procedure for collection from subscribers of the unpaid portion of their subscriptions to corporate stock applies exclusively to suits or motions by the company and creditors or subordinate claimants under the company.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 816.]

3. Corporations (§ 259 (7)*)—Subscriptions to Stock—Enforcing Payment.—Such statute imposes no limitation on the right of a stockholder to resort to any appropriate remedy for relief from liability on his subscription unless he delays action until after suit or motion under such statute, and he cannot then, by resort to equity, oust the jurisdiction acquired by a common-law court.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 816.]

4. Corporations (§ 202 (1)*)—Subscription to Stock—Enforcing Payment.—Code 1904, § 1103a, as to proceedings to recover the unpaid subscription to corporation stock, leaves unimpaired the defenses which the stockholder has under § 3299, although it denies him power to defeat the exclusive jurisdiction of the common-law court by going into equity under § 3300.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 822.]

5. Corporations (§ 271*)—Subscriptions to Stock—Enforcing Payment.—On trial of a motion under Code 1904, § 1103a, to recover unpaid subscription to corporation stock, the court should submit to the jury all the issues of fact involving the validity of the sub-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

scription or other matter constituting a defense in order that a complete determination of the controversy may be made.

Sims, J., dissenting.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 822.]

Appeal from Corporation Court of Radford.

Suit by S. T. Dickens and others against the Radford-Willis Southern Railway Company. From a decree dismissing the bill on demurrer, plaintiffs appeal. Affirmed.

Harless & Colhoun, of Christiansburg, and *H. C. Tyler*, of East Radford, for appellants.

Jordan & Roop, of East Radford, and *W. W. Goldsmith*, of Radford, for appellee.

GARRETT *v.* SMEAD.

Sept. 13, 1917.

[93 S. E. 628.]

Appeal and Error (§ 781 (7)*)—Dismissal—Moot Question.—An appeal by the owner and lessor of a building used by a steam laundry from decree enjoining him and the laundry from maintaining a nuisance, in using the laundry so as to cause smoke, ashes, noxious gases, etc., to be emitted, will be dismissed, where there has been an absolute compliance with the decree thus terminating the matter in controversy.

[Ed. Note.—For other cases, see 1 Va.-W. Va. Enc. Dig. 532.]

Appeal from Circuit Court, Roanoke County.

Suit by L. M. Smead against J. P. Garrett and another. From a decree for plaintiff, the named defendant appeals. Appeal dismissed.

Caldwell & Chaney, of Roanoke, and *J. D. Logan*, of Salem, for appellant.

R. T. Hubbard and *T. L. Keister*, both of Salem, for appellee.

WOHLFORD *v.* WOHLFORD.

Sept. 20, 1917.

[93 S. E. 629.]

1. Gifts (§ 25*)—Parol Gift of Land—Statute.—Since enactment of Code 1904, § 2413, providing that no right to a conveyance of an estate of inheritance or freehold or for a term of more than five years in lands shall accrue to the donee or those claiming under him under

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.